

REMARKS

Claims 1, 3, 5, 9-11, 14, 15 and 17-19 are all of the claims presently pending in the application. Claims 1, 3, 5, 9, 10 and 15 have been amended to more particularly define the invention. Claims 2, 4, 6, 7, 12, 13 and 16 have been canceled without prejudice or disclaimer.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-7 and 9-19 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 5-7, and 8-18, respectively of U.S. Patent No. 6,658,422 B1. Claims 1-7, 9-10, 12-13, 14-17, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Renslo et al. (U.S. Patent No. 5,446,890; hereinafter "Renslo") in view of Ballard et al. ("Data Modeling Techniques for Data Warehousing," 1998; hereinafter "Ballard"). Claims 11, 14, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Renslo in view of Ballard, and further in view of Bieganski et al. (U.S. Patent No. 6,413,012; hereinafter Bieganski).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention of exemplary claim 1 provides a computer method that includes providing a demand database including refining the data mining technique in cognizance of

pattern changes embedded in the demand database and the supply database as a consequence of updating the demand database and the supply database (e.g., see Application at page 4, lines 10-13). This combination of features allows the claimed invention to use data mining techniques to solve the problem of product stockpile management (see Application at page 7, lines 1-11).

II. THE DOUBLE PATENTING REJECTION

Claims 1-7 and 9-19 stands rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 5-7, and 8-18, respectively of U.S. Patent No. 6,658,422 B1. Applicants respectfully submit that the claimed invention of claims 1-7 and 9-19 is not the same invention as that recited in claims 1-3, 5-7, and 8-18, respectively of U.S. Patent No. 6,658,422 B1.

That is, claim 1 (and similarly claims 9, 10 and 15) of the claimed invention has been amended to recite, inter alia, *“refining the data mining technique in cognizance of pattern changes embedded in said demand database and said supply database as a consequence of updating said demand database and said supply database”*. This feature is not recited in the claims of U.S. Patent No. 6,658,422 B1.

The claims of U.S. Patent No. 6,658,422 B1 do not recite refining the data mining technique as a consequence of updating said demand database and said supply database. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. THE PRIOR ART REFERENCES

A. The Alleged Combination of Renslo and Ballard

The Examiner alleges that Renslo would have been combined with Ballard to teach the

claimed invention of claims 1-7, 9-10, 12-13, 14-17, and 19. Applicants submit, however, that there are elements of the claimed invention, which are neither taught nor suggested by the alleged combination of Renslo and Ballard.

That is, the alleged combination of Renslo and Ballard does not teach or suggest *“refining the data mining technique in cognizance of pattern changes embedded in said demand database and said supply database as a consequence of updating said demand database and said supply database”* (emphasis Applicants’ as recited in claim 1 and similarly recited in claims 9, 10 and 13).

The Examiner attempts to rely on column 7, lines 47-50, column 8, lines 40-55 and Figures 14 and 15 of Renslo to support his allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in these passages nor these figures (nor anywhere else for that matter) does Renslo teach or suggest a computer method that includes refining the data mining technique in cognizance of pattern changes embedded in the demand database and the supply database as a consequence of updating the demand database and the supply database. Indeed, Renslo merely teaches updating the knowledge base to change the generated forecasts.

Renslo teaches a forecasting system that provides a forecast of a factory’s product demand. The forecasting system generates forecasts using a forecasting algorithm and a knowledge base (20,22) (which the Examiner has analogized to the data mining technique of the present invention). The forecasting system also includes a relational database (26), which contains all of the product and forecast information, as well as order history and forecast results (see column 4, lines 7-9).

The forecasting system in Renslo further provides an updating means that updates the relational database (26) and updates the rules stored in the knowledge base (20,22). Renslo

teaches that updating the rules in the knowledge base (20,22) results in changing the forecasts generated by the forecasting system (see Renslo at column 7, line 52 through column 8, line 2). That is, Renslo teaches updating the relational database (26) and the knowledge base (20,22) and that, based on this updating, the results generated by the system are changed.

Assuming, *arguendo*, that the knowledge base of Renslo teaches the claimed data mining technique, nowhere does Renslo teach or suggest refining the data mining technique in cognizance of pattern changes embedded in the demand database and the supply database as a consequence of updating the demand database and the supply database. The knowledge base of Renslo is not updated as a consequence of changes made to the relational database. Renslo merely teaches updating the rules stored in the knowledge base. However, the updating of the knowledge base rules is not made as a consequence of changes made to the relational database of Renslo.

Furthermore, while the forecasting results of Renslo are changed based on the updates to the relational database and the knowledge base, this does not teach or suggest “*refining the data mining technique*” as recognized by exemplary aspects of the claimed invention. That is, altering the results obtained using the forecasting algorithm does not teach or suggest refining the forecasting algorithm itself.

Even assuming, *arguendo*, that the Examiner’s allegations are correct, Renslo does not teach or suggest refining the data mining technique as a consequence of updating the demand database and the supply database.

Furthermore, Applicants submit that Ballard fails to make up the deficiencies of Renslo. Indeed, the Examiner merely relies on Ballard as teaching regional demand and supply data.

Therefore, Applicants submit that there are elements of the claimed invention that are

not taught or suggest by the alleged combination of Renslo and Ballard. Therefore, the Examiner is respectfully requested to withdraw this rejection.

B. The Bieganski Reference

The Examiner alleges that Bieganski would have been combined with Renslo and Ballard to form the claimed invention of claims 11, 14, and 18. Applicants submit, however, that there are elements of the claimed invention, which are neither taught nor suggested by the alleged combination of Renslo, Ballard and Bieganski.

That is, neither Renslo nor Ballard nor Bieganski, nor any combination thereof, teaches or suggests “*refining the data mining technique in cognizance of pattern changes embedded in said demand database and said supply database as a consequence of updating said demand database and said supply database*” as recited in claim 1 and similarly recited in claims 9, 10 and 13.

Indeed, as detailed above in section A, the alleged combination of Renslo and Ballard does not teach or suggest this feature of the claimed invention. Furthermore, Applicants submit that Bieganski fails to make up the deficiencies of the claimed invention.

Indeed, the Examiner does not even allege that Bieganski teaches or suggests refining the data mining technique in cognizance of pattern changes embedded in the demand database and the supply database as a consequence of updating the demand database and the supply database.

Thus, Bieganski fails to make up for the deficiencies of Renslo.

Therefore, Applicants submit the alleged combination of references does not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1, 3, 5, 9-11, 14, 15 and 17-19, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

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